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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,838

05/01/2006

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02/23/2009

EXAMINER

NGUYEN, PHU HOANG

ART UNIT

PAPER NUMBER

1791

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,838	<b>Applicant(s)</b> RIZZOLI ET AL.	
	<b>Examiner</b> PHU H. NGUYEN	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Triggs (GB 924126) in view of (Meinecke GB 1058139). Triggs discloses a device for feeding filter rods (11, fig. 1) in a filter tip attachment machine, comprising a take up roller (26, fig. 1) presenting longitudinal flutes (30, fig. 1) each serving to take up and retain a respective filter rod, on which the rods are directable along a predetermined feed path through cross cutting means (34, fig. 1) and dividable transversely into plugs before being transferred, characterized in that the roller comprises means by which to adjust the axial position of the flutes (column 2 of page 2, lines 101-104). Although, Triggs does not expressly disclose the plugs will be transferred to a staggering means, it is well known to transferred cut filter rods to staggering means in the art as evidenced by Meinecke (column 1 of page 1, lines 8-30).

Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Triggs (GB 924126) in view of (Meinecke GB 1058139) and further in view of Focke et al. (WO 03/043449 which is now U.S Patent No. 7296579 (will be used as English translation)).

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Regarding claim 2, Triggs discloses adjusting the guides in or out independently by screw adjustment to suit a desired length of the filter rod to be severed (column 1 of page 2, lines 24-33). However Triggs does not expressly disclose a module having grooves that can be adjusted for a desired length. It is well known in the art to have sliding segments for holding cylindrical rod and adjusted for a desired length wherein the segments can be breasted position but still leave a gap for a cutting means as evidenced by Focke (see fig. 3 and column 3, lines 52-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the device with sliding grooves to adjust for a desired length of the filter rod.

Regarding claims 3 and 9, Triggs discloses the cross cutting means consisting in one or more disc cutters rotatable about axes parallel to the axis of the take-up roller (see fig. 2). Therefore it would have been obvious to one of ordinary skill in the art to provide multiple gaps to accommodating the passages for the cutters.

Regarding claims 4-5 and 8, since the combination of Triggs, Meinecke and Focke discloses using sliding segments to adjust for certain desired length, it would have been obvious to add additional segments (modules) for a longer filter rod and provide additional gaps to accommodate for cutting passages wherein the gaps locations are inherently associated with a desired length of the plug (after cutting).

Regarding claims 6-7, Focke discloses the use of compression spring positioning between the sliding segments (see fig. 13 a).

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Regarding claims 10-13, Triggs discloses using screw adjustment (functionally equivalent to the claimed threaded rods, screw assemblies, toothed heads and transmission component) to move the sliders in and out independently for appropriate desired length of filter rod (see fig.2 and column 1 of page 2, lines 24-33).

Regarding claims 14-15, Triggs discloses coupling means (by reference 25, fig.2) (functionally equivalent to the socket) which a tool can be fitted for the purpose of operating and adjusting the transmission component.

Regarding claim 16, Triggs discloses voids (between reference signs 36 and 37) corresponding to the claimed voids.

Regarding claim 17, Triggs discloses adjustment members (31, 35 of fig. 2) associated with the flutes and positioned at the opposite ends of the flutes for alignment.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU H. NGUYEN whose telephone number is (571)272-5931. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phillip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.N 2/13/2009

/Philip C Tucker/

Supervisory Patent Examiner, Art Unit 1791